

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN MORAN,  
Plaintiff,

v.

CLOVIS ONCOLOGY, INC., et al.,  
Defendants.

Case No. [15-cv-05323-RS](#)

**ORDER RE MOTIONS FOR  
APPOINTMENT OF LEAD  
PLAINTIFFS AND LEAD COUNSEL**

Pursuant to Civil Local Rule 7-1(b), the motions for appointment of lead plaintiffs and lead counsel (Dkt. Nos. 13, 15, and 17) are suitable for disposition without oral argument and the hearing set for March 3, 2016 is vacated. Although it appears the parties now do not dispute who qualifies as the presumptive lead plaintiffs and their counsel, a motion is pending to transfer this action to the District of Colorado, both under the “first-to-file rule” and under 28 U.S.C. § 1404(a). If that motion is granted, it will be more appropriate to leave any determination as to appointment of lead plaintiffs and lead counsel to the discretion of the transferee court. Accordingly, the motions are denied without prejudice to renewal in either this court or in the District of Colorado, as may be appropriate following a ruling on the motion to transfer.

**IT IS SO ORDERED.**

Dated: February 3, 2016

  
RICHARD SEEBORG  
United States District Judge